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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,548	09/27/2001	David S. Parkman	7784-000309	3883

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EXAMINER	
SCUDERI, PHILIP S	

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,548	PARKMAN, DAVID S.	
	Examiner	Art Unit	
	Philip S. Scuderi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-15 and 17-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-15 and 17-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to applicant's amendment filed on 23 January 2006.

Claim Objections

The objection to claim 13 has been withdrawn because applicant has amended the claim to overcome the objection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0091843 to Vaid (hereinafter "Vaid") in view of U.S. Publication No. 2004/0014497 to Tjalldin et al. (hereinafter "Tjalldin") and U.S. Patent No. 6,633,932 to Bork et al. (hereinafter "Bork"). See the remarks below and/or the Office action mailed on 04 November 2005.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Applicant correctly points out that Vaid does not disclose the use of a second cable to power the wireless network adapter (page 11 submitted on 23 January 2006). However, applicant's assertion that it is improper to modify Vaid to include a second cable to power the device is unpersuasive.

Applicant's argument is based upon the contention that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination because under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

The examiner agrees that teachings of references can be combined *only* if there is some suggestion or incentive to do so. However, this does not mean that the cited prior art references must specifically suggest making the combination. *B.F. Goodrich Co. M Aircraft Braking Systems Corp.*, 72 F.3d 1577, 1582, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996); *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988)). Rather, the test for obviousness is what the combined teachings of the prior art references would have suggested to those of ordinary skill in the art. *In re Young*, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991); *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). This test requires taking into account not only the specific teachings of the prior art references, but also any inferences which one skilled in the art would reasonably be expected to draw therefrom. *In re Preda*, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

Applicant contends that it would be improper to "modify" Vaid to include a second cable to power the device (page 11 submitted on 23 January 2006). The examiner disagrees with applicant's characterization that using the teachings of Bork "modifies" Vaid. Vaid is **silent**, with respect to how the device is powered. Given Vaid's disclosure alone, the device may very well receive power

via such a second cable. The fact that Vaid is silent alone would be sufficient motivation to look outside the teachings of Vaid to find a means for supplying powering to the device. Bork teaches such a means for powering a mobile device, wherein a USB cable is used to provide power. As such, it would have been obvious to use such a cable to power Vaid's mobile device.

Applicant correctly points out that Tjalldin does not disclose interfacing wireless networks to a personal computing device (page 11 submitted on 23 January 2006). However, applicant's assertion that modifying the device Tjalldin to include a connector interface port for a connector interface cable would impermissibly modify Tjalldin because the primary purpose of Tjalldin is to enable users of the device to connect wirelessly between two networks (page 12 submitted on 23 January 2006) is irrelevant and therefore unpersuasive.

Tjalldin is not the base reference. Tjalldin is merely relied upon to show a wireless networking interface card for connecting to a wireless network. Vaid discloses circuitry for coupling to a wireless interface (figure 8, 814), but is **silent** with respect to the particular aspects of this circuitry. Given Vaid's disclosure, the circuitry may very well be a wireless networking interface card. In fact, figure 8 shows a "mobile device plug in", which perhaps doesn't necessarily support a wireless networking interface card, but at minimum does not teach away from using one. Accordingly, one would be motivated to look outside the teachings of Vaid to discover the particular aspects of the network interface circuitry. Tjalldin teaches a wireless networking interface card and that using such an interface card to connect to a wireless network provides such as making a network selectable (0014). As such, it would have been obvious to one of ordinary skill in the art to use such a wireless networking interface card.

Applicant correctly points out that Vaid does not disclose the use of the device on an aircraft. However, applicant's assertion that it is improper to modify Vaid for use on an aircraft is unpersuasive. The examiner disagrees with applicant's characterization that use of Vaid's device on an airplane "modifies" Vaid. Vaid's device can connect using a number of different standards such as CDMA, TDMA, 802.11, etc. CDMA/TDMA are used by mobile phone companies such as Verizon Wireless and provide connectivity in a broad range of locations. Also, 802.11 is widely used in airports. Accordingly, it follows that users could clearly make use of Vaid's device on an airplane, especially on an airplane that hasn't yet left a terminal. While Vaid does not expressly disclose using the device on an aircraft, it would have been obvious to do so because it was common knowledge that users desire access to data from remote locations, which is presumably why "people may soon be carrying two or more PCD's at one time." (Vaid, 0005). Additionally, the examiner agrees that it was generally known that the FAA restricts the use of devices such as the device disclosed by Vaid o aircraft. However, this does not mean that one would not be motivated to use such device on aircraft. The mere fact that the FAA restricts use of such devices appears to imply that users **are** motivated to use the devices on aircraft.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS

KRISNA LIM
PRIMARY EXAMINER